

**From:** Rob Alelyunas  
**To:** Microsoft ATR  
**Date:** 1/15/02 11:03am  
**Subject:** Microsoft Settlement

Greetings;

I am a professional software developer very familiar with the Microsoft products and strategy, as well as many other software platforms such as Java, UNIX, and Internet development.

For many of us in the software industry, the proposed settlement with Microsoft looms as a terrible mistake.

Many of the reasons why have been very well illuminated by far better communicators than myself, and these reasons tend to emphasize the failure of the settlement to address the actual abuses and illegal practices that were proven in the case. They emphasize that the remedy has no enforcement, and is unlikely to stop the proven illegal practices.

But my concern is the effect that the proposed settlement has had upon the software community, and the business community at large. That is a chilling effect. New software projects have been canceled, software innovation has been put on hold in many cases, and new initiatives have trouble getting funding. That is because the settlement is a signal that the marketplace won't reward the small, energetic innovators such as Netscape or Real Media. Companies like this, although they have virtually invented and innovated new capabilities that enrich our lives, will not be set free to compete on an equal footing. The behemoth of Microsoft will be allowed to wait for these smaller companies to innovate, then it will bundle carbon copies of their products into its operating system, and if necessary use other illegal monopoly practices such as punitive exclusive relationships with hardware manufacturers.

I ask you honestly, would anyone want to invest in a small innovative software company in this climate? No matter what quality, energy, excellence is in the product, there cannot be profitability as long as Microsoft is free to illegally compete.

Investors and the business community are very aware of the Microsoft settlement. And it has already had a

chilling effect on innovation and investment. It has had a chilling effect on the American economy. It is a loud, clear signal that discourages investment in small business just as it discourages new ventures. This is not a good time to be discouraging small business which is the growth engine of our economy.

Now of all times we need to carefully consider the effects of our decisions on the economy. There are reasons for the anti-trust laws, and there are reasons to enforce them. American business operating under effective anti-trust enforcement has created the greatest growth and innovation engine the world has ever known. The key is competition, and anti-trust laws are the protectors of competition. Let's have the courage to enforce the law.

Rob Alroyunas

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